

LAND—COUNTY SEAT—PEORIA, ILLINOIS.

JANUARY 17, 1832.

Mr. IRVIN, from the Committee on the Public Lands, made the following

REPORT:

*The Committee on the Public Lands, to whom was referred the memorial of sundry citizens of the county of Peoria, in the State of Illinois, have, according to order, had the same under consideration, and beg leave to submit the following report:*

It appears from the statement of the memorialists, that the Legislature of Illinois, in the year , located the seat of justice of the county of Peoria, on the north east fractional quarter section of section nine, in township eight north, of range eight east, under, and by virtue of an act of Congress, passed May 26, 1824, entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same."

The commissioners appointed by act of the Legislature of Illinois, to locate the seat of justice, not only gave notice to the officers of the Government of their having located the same on the said tract of land, for the purposes aforesaid, but actually deposited in the land office, at Springfield, a part of the purchase money. It is proven to the satisfaction of the committee, that the commissioners fixed on the seat of justice previously to a sale of the adjoining lands, according to the requisitions of the act before mentioned.

Subsequently to the location, the giving of notice, and the depositing of the money by the commissioners, a Mr. Latham, having a floating claim or pre-emption right of land, laid the same on the fractional quarter already designated for the seat of justice of Peoria, and obtained from the land office a certificate therefor. No patent, however, has issued to Mr. Latham, in consequence of the representation of the facts of the case, made, by the commissioners appointed to locate the seat of justice, to the Commissioner of the General Land Office.

It is the opinion of the Commissioner of the General Land Office, as expressed in his letter to Mr. Kane of the 20th January, 1830, which is before the committee, "That, agreeably to the strict letter of the respective acts under which the county commissioners for Peoria, and Mr. Latham claim, neither of the parties had a strictly legal right to enter a fractional quarter section as a quarter section," which is admitted by the memorialists. The commissioners have sold some of the lots, and given a promise of pre-emption to settlers on others.

It also appears, that a part of the fractional quarter section located by the commissioners for the seat of justice, is, or will be covered by the claims of

the inhabitants of the village of Peoria, granted to them by an act of Congress passed March 3, 1823, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois."

The memorialists pray the passage of a law, authorizing the county of Peoria to purchase the residue of the fractional quarter section of land, on which the seat of justice is located, after the location of the claims of the inhabitants of the village of Peoria.

From the construction which the committee give to the act of Congress, by authority of which, the Legislature of Illinois located the seat of justice, and the facts of the case, the committee are of the opinion that the county of Peoria has not only an equitable, but a legal pre-emption right to said fractional quarter section of land, against all persons whose claims were not located previous to the location of the seat of justice, excepting the claims of the inhabitants of the village of Peoria. The committee, after an examination of all the facts and circumstances of the case, are of the opinion, that the county of Peoria ought to be permitted to purchase the fractional quarter section of land, on which the seat of justice is located, at the minimum prices, saving and reserving to all and every person or persons whatsoever their legal right or rights to the same; and, for that purpose, report a bill,